

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO PEREZ,

No. C-09-0403 MMC

Plaintiff,

ORDER DISMISSING ACTION

v.

EMC MORTGAGE CORPORATION,

Defendant.

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On March 17, 2009, the Court dismissed the complaint in the above-titled action and afforded plaintiff leave to file a First Amended Complaint on or before April 17, 2009. (See Order filed Mar. 17, 2009 at 3-4.) Thereafter, on May 11, 2009, in light of the suspension of plaintiff's counsel of record, Mitchell Roth, from the practice of law, the Court afforded plaintiff an opportunity to substitute either himself or new counsel in place of Mr. Roth and extended the deadline for the filing of a First Amended Complaint to July 31, 2009. (See Order filed May 11, 2009.) The Court advised plaintiff that if no First Amended Complaint was filed by July 31, 2009, the above-titled action would be dismissed. (See *id.*) To date, no First Amended Complaint or any other document responsive to either of the Court's above-referenced orders has been filed.

Accordingly, the above-titled action is hereby DISMISSED.

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1 The Clerk is directed to mail a copy of this order to plaintiff at his last known
2 address: 1262 Ruby Street, Redwood City, CA 94601.

3 **IT IS SO ORDERED.**

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5 Dated: August 10, 2009

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MAXINE M. CHESNEY
United States District Judge

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